

FORM PCT 1390  
REV. 5/93

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NO.

TEWES ET AL PCT

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/319,092

INTERNATIONAL APPLICATION NO.

PCT/DE97/02776

INTERNATIONAL FILING DATE

NOVEMBER 26, 1997

PRIORITY DATE CLAIMED

NOVEMBER 29, 1996

TITLE OF INVENTION

FLUORESCENCE CORRELATION SPECTROSCOPY MODULE FORA MICROSCOPE

APPLICANT(S) FOR DO/EO/US

MICHAEL TEWES, JÖRG LANGOWSKI

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau)
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:  
Copy of Small Entity Declaration

06/23/1999 PVQLE 00000060 09319092

FC:254 65.00 DP

APPLICATION NO. (if known, see 37 CFR 1.5)

09/319,092

INTERNATIONAL APPLICATION NO.

PCT/DE97/02776

ATTORNEY'S DOCKET NO.

TEWES ET AL PCT

\_\_\_ The following fees are submitted:

**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Search Report has been prepared by the EPO or JPO.....\$840.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
.....\$670.00Neither international preliminary examination fee paid (37 CFR 1.82) nor  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$970.00International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(2)-(4).....\$96**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than \_\_\_ 20 \_\_\_ X \_\_\_ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$130.00

Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =	- 0 -	X \$18.00	\$	
Independent Claims	- 3 =	2	X \$78.00	\$	
Multiple dependent claim(s) (if applicable)			+ \$260.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 130.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$ 65.00	
<b>SUBTOTAL =</b>				\$ 65.00	
Processing fee of \$130.00 for furnishing the English translation later than ___ 20 ___ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 65.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				See cover sheet attached to assign \$ to be charged to Deposit Acct	
<b>TOTAL FEES ENCLOSED =</b>				\$ 65.00	
				Amount to be: refunded	\$
				charged	\$

- a. X A check in the amount of \$ 65.00 to cover the above fees is enclosed.
- b. \_\_\_ Please charge my Deposit Account No. 03-2468 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. X The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 03-2468. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

COLLARD &amp; ROE, P.C.

1077 Northern Boulevard

Roslyn, New York 11576-1696

(516) 365-9802

*Edward R. Freedman*  
Signature

Edward R. Freedman

Reg. No. 26,048

Express Mail No. EL 323393811 USDate of Deposit June 18, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above, and is addressed to the Ass't. Commissioner for Patents, Washington, D.C. 20231

*Ingrid Mittendorf*  
Ingrid Mittendorf

5640  
5000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: MICHAEL TEWES ET AL (PCT)  
PCT NO.: PCT/DE97/02776 FILED: November 26, 1997  
SERIAL NO.: 09/319,092  
TITLE: FLUORESCENCE CORRELATION SPECTROSCOPY  
MODULE FOR A MICROSCOPE

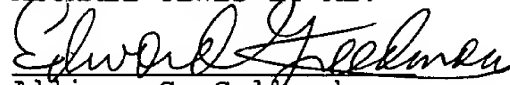
SUBMISSION OF SMALL ENTITY DECLARATION AND  
REQUEST FOR REFUND OF OFFICIAL FILING FEE

ATTN: REFUND SECTION, ACCOUNTING DEPT., OFFICE OF FINANCE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned agent for the above-identified applicant, having herewith forwarded the attached SMALL ENTITY DECLARATION in connection with the above-identified application, requests that the official filing fee of \$858.00 be reduced 50% and would now appreciate having \$429.00 credited to his Deposit Account No. 03-2468 in due course. A duplicate copy of this document is attached for this purpose.

Respectfully submitted,  
MICHAEL TEWES ET AL.

  
Allison C. Colvard  
Edward R. Freedman  
Registration No. 26,048  
Attorneys for Applicants

COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802

Enclosure: Small Entity Declaration

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner of Patents, Washington, D.C. 20231, on June 14, 1999.

67-2 No 21 111 0001

RECEIPT ACCOUNTING  
DIVISION

  
Ingrid Mittendorf

RECEIVED IN THE MAILROOM OF THE U.S. PATENT OFFICE  
APPLICANT: MICHAEL TEWES ET AL. (PCT)  
SERIAL NO. 09/319,092  
PCT NO.: PCT/EP97/02776 FILED: November 26, 1997  
TITLE: FLUORESCENCE CORRELATION  
SPECTROSCOPY MODULE FOR A  
MICROSCOPE

Papers Sent:

Second Submission Transmittal (in dupe) w/\$65.00 check  
Executed Combined Declaration/Power of Attorney  
Copy of Small Entity Declaration  
Assignment with Cover Sheet

Express Mail EL 323393811 US dated June 18, 1999

eh

516 Rec'd PCT/PTO 18 JUN 1999

09/31/992



## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO. 097319,092	FIRST NAMED APPLICANT TEWES	ATTY. DOCKET NO. TEWES ET AL
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INTERNATIONAL APPLICATION NO. PCT/DE97/02776
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I.A. FILING DATE 11/26/97	PRIORITY DATE 11/29/96
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DATE MAILED: 07/12/99
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5071  
COLLARD & ROE  
1077 NORTHERN BOULEVARD  
ROSLYN NY 11576

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☒ a non-English language.  
☐ English.

- ☐ Translation of the international application into English.  
☐ Oath or Declaration of inventors(s) for DO/EO/US.  
☐ Copy of Article 19 amendments.  
☐ Translation of Article 19 amendments into English.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.  
☒ Preliminary amendment(s) filed 28 MAY 1999 and \_\_\_\_\_.  
☒ Information Disclosure Statement(s) filed 28 MAY 1999 and \_\_\_\_\_.  
☐ Assignment document.  
☐ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_.  
☐ Statement Claiming Small Entity Status.  
☒ Priority Document.  
☒ Copy of the International Search Report ☒ and copies of the references cited therein.  
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.  
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3936